

United States District Court
Eastern District of Michigan

United States of America

v.

Yadwinder Brar

ORDER OF DETENTION PENDING TRIAL

Case Number: 07-30077

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- ☐ there is probable cause to believe that the defendant has committed an offense
- ☒ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or _____;
- ☐ under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

☒ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

☐ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

☐ (a) nature of the offense –importation of cocaine in truck from Canada. 44 Kilos found initially and subsequently an additional 55 kilos found in the truck/trailer. This tractor/trailer log listed def as the driver from California to Yuma, Az. His co-driver, and co-def, was also listed. Trailer was not sealed. There appear to be no witnesses to this defendant's involvement.

☐ (b) weight of the evidence–def was the truck driver, says that he was not in the truck when it went to Yuma Arizona as he stayed in California with a girl he met. He claims that the log was falsified. There are no witnesses with respect to def's participation.

☐ (c) history and characteristics of the defendant

☐ 1) physical and mental condition-not significant

☐ 2) employment, financial, family ties–employment out of Canada but only for one week; past employment as a truck driver for three other companies in eight months. No record of this def traveling by air to California (co-def is shown as traveling to California).

☐ 3) criminal history and record of appearance–def has no prior arrest or convictions.

☐ (d) probation, parole or bond at time of the alleged offense

☐ (e) danger to another person or community–there is no evidence that def is a danger to the community

Court gives the government the benefit of the presumption of detention in what appears to be a very weak case against this defendant. Def has only been employed for one week with this company. Co-def is the owner and co-driver of the truck. This def has no prior record and is much younger than co-def. Has a wife and new child. However, no ties to this district.

Def counsel advises that there may be a relative or friend with whom def can reside locally. This plus a tether may be an acceptable solution and if friend/relative appears, then court requests pretrial services to interview and prepare an addendum relevant to further bond consideration by magistrate or district judge. Preliminary exam set for February 8, 2007.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending

appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date 2/1/2007

s/Virginia M. Morgan

Signature of Judge

Virginia M. Morgan, United States Magistrate Judge

Name and Title of Judge